

1 NICOLA T. HANNA
United States Attorney
2 BRANDON D. FOX
Assistant United States Attorney
3 Chief, Criminal Division
JULIUS J. NAM (Cal. Bar No. 288961)
4 Criminal Appeals Section
1000 United States Courthouse
5 312 North Spring Street
Los Angeles, California 90012
6 Telephone: (213) 894-8692
Facsimile: (213) 894-8513
7 E-mail: julius.nam@usdoj.gov
ELI A. ALCARAZ (Cal. Bar No. 288594)
8 Assistant United States Attorneys
Riverside Branch Office
9 3403 10th Street, Suite 200
Riverside, California 92501
10 Telephone: (951) 276-6938
Facsimile: (951) 276-6202
11 E-mail: eli.alcaraz@usdoj.gov

12 Attorneys for Plaintiff
UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JOHN JACOB OLIVAS,

19 Defendant.

No. ED CR 18-231-JGB

STIPULATION FOR ORDER
(1) MEMORIALIZING CONTINUANCE OF
TRIAL DATE AND (2) MAKING FINDINGS
OF EXCLUDABLE TIME PERIODS
PURSUANT TO SPEEDY TRIAL ACT

CURRENT TRIAL DATE:

December 3, 2019

CURRENT STATUS CONFERENCE DATE:

November 18, 2019

PROPOSED TRIAL DATE:

June 30, 2020, 9:00 a.m.

PROPOSED STATUS CONFERENCE DATE:

June 15, 2020, 2:00 p.m.

**PROPOSED PRETRIAL BRIEFING
SCHEDULE SET FORTH BELOW**

27 Plaintiff United States of America, by and through its counsel
28 of record, the United States Attorney for the Central District of

1 California and Assistant United States Attorneys Julius J. Nam and
2 Eli A. Alcaraz, and defendant John Jacob Olivas ("defendant"), both
3 individually and by and through his counsel of record, Deputy Federal
4 Public Defenders Angela C. C. Viramontes and Craig A. Harbaugh,
5 hereby stipulate as follows:

6 1. The Indictment in this case was filed on August 1, 2018.
7 Defendant first appeared before a judicial officer of the court in
8 which the charges in this case were pending on August 15, 2018. The
9 Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
10 trial commence on or before October 24, 2018.

11 2. On August 15, 2018, the Court set a trial date of October
12 9, 2018 at 9:00 a.m. and a status conference for September 24, 2018
13 at 2:00 p.m.

14 3. Defendant is released on bond pending trial.

15 4. The parties estimate that the trial in this matter will
16 last approximately eight days.

17 5. The Court has previously continued the trial date in this
18 case from October 9, 2018 to May 28, 2019, and again from May 28,
19 2019 to December 3, 2019, and found the interim periods to be
20 excluded in computing the time within which the trial must commence,
21 pursuant to the Speedy Trial Act.

22 6. On October 7, 2019, defendant filed an in camera request
23 seeking a continuance of the December 3, 2019 trial date to June 30,
24 2020, and the November 18, 2019 status conference date to June 15,
25 2020. (Dkt. No. 36.) The Court granted defendant's in camera
26 request on October 16, 2019.

27 7. The government objected to the continuance of the December
28 3, 2019 trial date and the in camera nature of the proceedings, but

1 now enters into this stipulation to memorialize the Court's Speedy
2 Trial Act findings and to request a pretrial briefing schedule based
3 on the continued dates.

4 8. By this stipulation, the parties request that the Court
5 impose the following pretrial briefing schedule:

6 a. Pretrial motions (including motions in limine) due:
7 May 18, 2020.

8 b. Oppositions due: June 1, 2020.

9 c. Replies, if any, due: June 8, 2020.

10 d. Joint jury instructions due: June 10, 2020.

11 9. The parties also request an order memorializing the Court's
12 continuance of the trial date and Speedy Trial Act findings, based
13 upon the circumstances explained in defendant's October 7, 2019 in
14 camera filing (Dkt. No. 36), the in camera findings made by the Court
15 on October 16, 2019, and the following facts:

16 a. Defendant is charged in a three-count indictment.
17 Each count charges defendant with violating Title 18, United States
18 Code, Section 242 (Deprivation of Rights Under Color of Law). The
19 government has produced discovery to the defense, including 100,714
20 pages of reports, draft transcripts, records, and recordings.

21 b. Due to the nature of the prosecution, including the
22 charges in the indictment and the voluminous discovery produced to
23 defendant, this case is so unusual and so complex that it is
24 unreasonable to expect adequate preparation for pretrial proceedings
25 or for the trial itself within the Speedy Trial Act time limits.

26 c. On October 4, 2019, Deputy Federal Public Defender
27 Craig A. Harbaugh appeared for defendant in this matter and on
28 October 7, 2019 DFPD Caroline R. Hahn withdrew as attorney of record

1 for defendant. Through DFPD Viramontes, the government has learned
2 that DFPD Harbaugh will need additional time to review the discovery
3 in this matter and otherwise prepare for trial.

4 d. In light of the foregoing, counsel for defendant also
5 represent that additional time is necessary to confer with defendant,
6 conduct and complete an independent investigation of the case,
7 conduct and complete additional legal research including for
8 potential pre-trial motions, review the discovery and potential
9 evidence in the case, and prepare for trial in the event that a
10 pretrial resolution does not occur. Defense counsel represent that
11 failure to grant the continuance would deny them reasonable time
12 necessary for effective preparation, taking into account the exercise
13 of due diligence.

14 e. On October 7, 2019, defendant moved in camera to
15 continue the trial date to June 30, 2020. The Court notified the
16 parties via email on October 16, 2019 that it approved defendant's in
17 camera request and has continued the trial per defendant's request.
18 The specific bases for the continuance are not known to the
19 government due to the in camera nature of the proceedings.
20 Accordingly, the Court has already found good cause and sufficient
21 justification under the Speedy Trial Act to continue the trial in
22 this matter to June 30, 2020 at 9:00 a.m.

23 f. Defendant believes that failure to grant the
24 continuance will deny him continuity of counsel and adequate
25 representation.

26 g. The requested continuance is not based on congestion
27 of the Court's calendar, lack of diligent preparation on the part of
28 the attorney for the government or the defense, or failure on the

1 part of the attorney for the government to obtain available
2 witnesses.

3 10. For purposes of computing the date under the Speedy Trial
4 Act by which defendant's trial must commence, the parties agree that
5 the time period of December 3, 2019 to June 30, 2020, inclusive,
6 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
7 (h)(7)(B)(i), (h)(7)(B)(ii), and (h)(7)(B)(iv) because the delay
8 results from a continuance granted by the Court at defendant's
9 request, on the basis of the Court's finding that: (i) the ends of
10 justice served by the continuance outweigh the best interest of the
11 public and defendant in a speedy trial; (ii) failure to grant the
12 continuance would be likely to make a continuation of the proceeding
13 impossible, or result in a miscarriage of justice; (iii) the case is
14 so unusual and so complex, due to the nature of the prosecution and
15 the voluminous discovery produced, that it is unreasonable to expect
16 preparation for pre-trial proceedings or for the trial itself within
17 the time limits established by the Speedy Trial Act; and (iv) failure
18 to grant the continuance would unreasonably deny defendant continuity
19 of counsel and would deny defense counsel the reasonable time
20 necessary for effective preparation, taking into account the exercise
21 of due diligence.

22 ///

23 ///

1 11. Nothing in this stipulation shall preclude a finding that
2 other provisions of the Speedy Trial Act dictate that additional time
3 periods be excluded from the period within which trial must commence.
4 Moreover, the same provisions and/or other provisions of the Speedy
5 Trial Act may in the future authorize the exclusion of additional
6 time periods from the period within which trial must commence.

7 IT IS SO STIPULATED.

8 Dated: November 14, 2019

Respectfully submitted,

9 NICOLA T. HANNA
Acting United States Attorney

10 BRANDON D. FOX
11 Assistant United States Attorney
12 Chief, Criminal Division

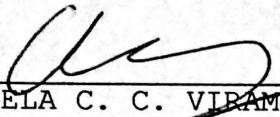
13 /s/
JULIUS J. NAM
14 ELI A. ALCARAZ
Assistant United States Attorneys

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 ///

18 ///

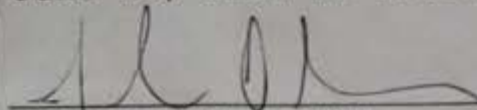
1 I am John Jacob Olivas's attorney. I have carefully discussed
2 every part of this stipulation and the continuance of the trial date
3 with my client. I have fully informed my client of his Speedy Trial
4 rights. To my knowledge, my client understands those rights and
5 agrees to waive them. I believe that my client's decision to give up
6 the right to be brought to trial earlier than June 30, 2020 is an
7 informed and voluntary one.

8 
9 _____
ANGELA C. C. VIRAMONTES
CRAIG A. HARBAUGH
10 Deputy Federal Public Defenders
Attorney for Defendant
11 JOHN JACOB OLIVAS

11/13/19

Date

1 I have read this stipulation and have carefully discussed it
2 with my attorney. I understand my Speedy Trial rights. I
3 voluntarily agree to the continuance of the trial date, and give up
4 my right to be brought to trial earlier than June 30, 2020. I
5 understand that I will be ordered to appear in Courtroom 1 of the
6 Federal Courthouse, 3470 Twelfth Street, Riverside, California on
7 June 15, 2020 at 2:00 p.m. and June 30, 2020 at 9:00 a.m.

8 
9 JOHN JACOB OLIVAS
Defendant

11/13/19
Date